



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/826,255

04/19/2004

Yuichiro Uchigaki

Q80995

9402

23373 7590 07/17/2008
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

ABDUL-ALI, OMAR R

ART UNIT

PAPER NUMBER

2178

MAIL DATE

DELIVERY MODE

07/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/826,255</p>	<p>Applicant(s) UCHIGAKI ET AL.</p>	
	<p>Examiner OMAR ABDUL-ALI</p>	<p>Art Unit 2178</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-8.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments have been fully considered, but they are not persuasive. Applicant argues Lemley does not disclose that the control means has a plurality of operation modes, and assigns different functions to said shift direction input means and said command input means depending on the mode of said browser apparatus in each of the plurality of operation modes as functions of manipulating the page displayed on said display means. Specifically, the modes disclosed in Lemley (a navigation mode or alphanumeric mode) are not different modes of the browser apparatus as claimed. It is respectfully submitted that the combination of the cited references teach the claimed subject matter. De Silva discloses assigning functions to the shift input means, but does not explicitly disclose assigning different functions to the command input means depending on the mode of the browser apparatus. The Lemley reference is relied on to teach the functionality of assigning functions to command input means based on operational modes. Applicant argues the motivation to combine de Silva and Lemley based on the Examiner's assertion of the increased operator efficiency. The Examiner respectfully disagrees with the Applicant. Silva teaches a unique key arrangement having a minimum number of keys, and adding functionality to the number of keys would increase operator efficiency in the sense that the operator would not have to navigate to additional screens to perform desired functions. Applicant argues de Silva does not teach a surf mode. It is respectfully submitted that de Silva discloses the surf mode feature with the teaching of a cursor that is moved around the screen to make selections of destinations. Applicant argues the combination of the Jeoung reference with de Silva based on impermissible hindsight. It is respectfully submitted that the Jeoung reference is relied upon solely to teach the functionality of a menu mode of operation, which is a common feature in graphical user interface design. Applicant argues that de Silva does not disclose the limitations of claim 5. The Examiner respectfully disagrees based on the interpretation that the enter key and the cancel key provide the functionality of the features included in Claim 5. The claim does not specify that the keys must be physically separate keys based on the broadest, reasonable interpretation. Applicant's arguments in regards to Claim 8 are addressed with the same rationale for motivation to combine the cited references used for Claim 1. Regarding Claim 4, it is respectfully submitted that the use of a cross key is an old and well known feature in the computer arts, and it would have been obvious to one of ordinary skill in the art modify the design of de Silva to include a cross key based on the teaching provided by Jeoung.